

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

CHRISTOPHER LEE BOEK,
Plaintiff,
v.
MARTIN O'MALLEY,
Commissioner of Social Security,
Defendant.

) CIVIL NO. 1:24-cv-00348-EPG
)
)
) STIPULATION TO VOLUNTARY
) REMAND PURSUANT TO SENTENCE
) FOUR OF 42 U.S.C. § 405(g) AND TO
) ENTRY OF JUDGMENT; ORDER
)
)(ECF No. 21)
)
)

IT IS STIPULATED by and between Plaintiff (“Plaintiff”) and Defendant Martin O’Malley, Commissioner of Social Security (“Defendant”), through their undersigned counsel of record, that the above-entitled action shall be remanded to the Commissioner of Social Security for further administrative proceedings.

On remand, the Commissioner will develop the record as necessary; reconsider all relevant issues; offer the claimant the opportunity for a hearing; and issue a new decision. The parties further request that the Court direct the Clerk of the Court to enter a final judgment in favor of Plaintiff, and against Defendant, reversing the final decision of the Commissioner.

This stipulation constitutes a remand under the fourth sentence of Section 205(g) of the Social Security Act, 42 U.S.C. 405(g).

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1 Dated: November 13, 2024

/s/ Jacqueline A. Forslund*

JACQUELINE A. FORSLUND

Attorney for Plaintiff

*Authorized via e-mail on November 8, 2024

2 PHILLIP A. TALBERT

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7 Social Security Administration

8 By: /s/ Noah Schabacker

9 NOAH SCHABACKER

10 Special Assistant United States Attorney

11 Attorneys for Defendant

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ORDER¹

Based upon the parties' Stipulation to Voluntary Remand Pursuant to Sentence Four of 42 U.S.C. § 405(g) and to Entry of Judgment ("Stipulation to Remand"), and for cause shown, IT IS ORDERED that the above-captioned action is remanded to the Commissioner of Social Security for further proceedings pursuant to the fourth sentence of Section 205(g) of the Social Security Act, 42 U.S.C. 405(g). On remand, the Appeals Council will remand the case to an administrative law judge for a new decision in accordance with the parties' Stipulation.

The Clerk of the Court is respectfully directed to enter a judgment in favor of Plaintiff and against Defendant, and to terminate as moot Plaintiff's pending motion for summary judgment. (ECF No. 17).

IT IS SO ORDERED.

Dated: November 21, 2024

/s/ Eric P. Groj
UNITED STATES MAGISTRATE JUDGE

¹ The parties consented to the jurisdiction of the undersigned “for all further proceedings in this action, including trial and entry of judgment, pursuant to 28 U.S.C. § 636(c)(1).” See ECF No. 12.